

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0178 ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TYRONE PAYNE,

Defendant and Appellant.

FILED

AUG 19 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

NOW COMES, Garrett R. Norcott, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until September 26, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 19th day of August, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: 

Garrett R. Norcott
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Garrett R. Norcott, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's brief was first due on July 28, 2010. The brief is presently due on August 27, 2010.

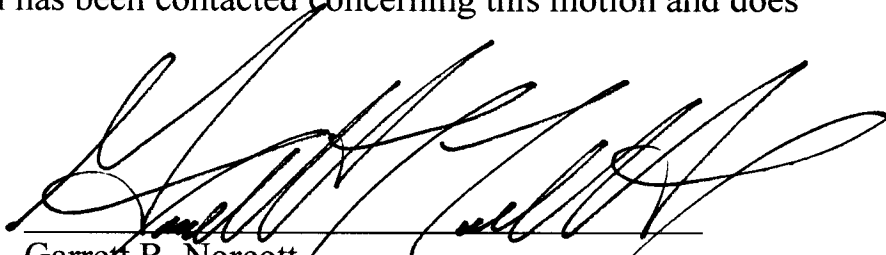
4. I have been reviewing the trial transcripts, and have just begun to ascertain the law applicable to the appeal.

5. I have had to balance other work while reviewing the record and researching applicable law.

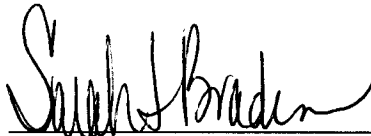
6. I have been unable to fully discuss the merits of the appeal with my client.

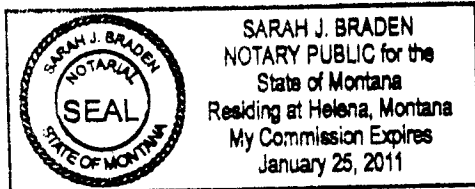
7. To properly ascertain possible issues on appeal and to adequately brief meritorious claims, additional time is required.

8. I will work diligently to complete the matter in the time requested.
9. Opposing counsel has been contacted concerning this motion and does not object.


Garrett R. Norcott

SUBSCRIBED AND SWORN to before me this 19 day of
AUGUST, 2010.


Sarah J. Braden



CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

FRED R. VAN VALKENBURG
Missoula County Attorney
200 West Broadway
Missoula, MT 59802

TYRONE E. PAYNE 3004191
Montana State Prison
700 Conley Lake Drive
Deer Lodge, MT 59722

DATED: _____

8/19/10 